

SENATE BILL 93

By Finney L

AN ACT to amend Tennessee Code Annotated, Title 37,
Chapter 10, Part 4; Title 49 and Title 68, relative to
meningococcal disease.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-7-124, is amended by deleting the section in its entirety and by substituting instead the following:

49-7-124.

(a)

(1) New incoming students at any public institution of higher learning in this state shall present proof of immunization against meningococcal disease to the admissions officer prior to the student's enrollment, except as provided in subdivision (a)(2) or (3).

(2) A student may be exempted from the requirements of this subsection if the student, or, in the case of a student under eighteen (18) years of age, the student's parent or guardian, presents a written statement from a physician licensed to practice in this state certifying that the student is excused from the immunization for any of the following reasons:

(A) The student meets the criteria for contraindication set forth in the manufacturer's vaccine package insert;

(B) The student meets the criteria for contraindication published by the advisory committee on immunization practices of the centers for disease control and prevention; or

(C) In the best professional judgment of the physician, based upon the student's medical condition and history, the risk of harm from the vaccine outweighs the potential benefit.

(3) Nothing in this subsection shall be construed to require the immunization of a student if the student, or, in the case of a minor, the parent or guardian, provides to the admissions officer a signed, written statement, affirmed under penalties of perjury, that vaccination conflicts with the religious tenets and practices of the student, or, in the case of a minor, the parent or guardian.

(4) No parent or guardian shall be criminally prosecuted nor civilly liable for failure to comply with this subsection.

(b)

(1) New incoming students at any private institution of higher learning in this state who live in on-campus student housing shall return a completed waiver form pursuant to this subdivision (b)(1). A waiver form shall indicate that the institution has provided detailed information to the student concerning meningococcal disease and the availability and effectiveness of vaccine and that the student, parent or guardian has received and reviewed the information and has chosen to have the student vaccinated or not to have the student vaccinated. In order to complete a waiver form, a student who is eighteen (18) years of age or older may sign a waiver or, for minors, the student's parent or guardian may sign the waiver.

(2) Nothing in subdivision (b)(1) shall be construed to require the private institution to provide or purchase vaccine against meningococcal disease.

(c) The Tennessee higher education commission, in consultation with the department of health, is authorized to promulgate rules and regulations to effectuate the purposes of this section. The rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.